

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

GERALD DAVID MULLINS, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:12-cv-05825

PRIME CARE MEDICAL, INC., and
SOUTHWESTERN REGIONAL JAIL,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiff Gerald D. Mullins' *pro se* Complaint filed under 42 U.S.C. § 1983 [ECF 2]. By Standing Order entered September 2, 2010 and filed in this case on September 25, 2012, this action was referred to former United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation ("PF&R"). Referral of this action was later transferred to United States Magistrate Judge Dwane L. Tinsley. Magistrate Judge Tinsley filed his PF&R [ECF 10] on May 24, 2013, recommending that this Court dismiss as moot Plaintiff's claims for declaratory and injunctive relief in light of the fact that Plaintiff has been transferred to a different correctional facility. Magistrate Judge Tinsley further recommended that the Court dismiss Plaintiff's claims for monetary relief against Southwestern Regional Jail, but permit the case to remain referred to the Magistrate for the purpose of conducting additional proceedings concerning Plaintiff's claims for monetary relief against Defendant PrimeCare Medical, Inc.


The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were due on June 10, 2013. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 10], **DISMISSES AS MOOT** Plaintiff's claims for declaratory and injunctive relief, and **DISMISSES** Plaintiff's claims for monetary relief against Defendant Southwestern Regional Jail. The Court **ORDERS** that this case remain referred to Magistrate Judge Tinsley for the purpose of conducting all remaining proceedings in accordance with the Court's September 2, 2010 Standing Order.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 21, 2013



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE